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FILED
SAN MATEO COUNTY

APR 15 2019

Clara M. H. S. Court

CLERK

8
9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF SAN MATEO

11
12 **Six4Three**, a Delaware limited liability
company,

13 Plaintiff;

14 v.

15 **Facebook, Inc.**, a Delaware corporation;
16 **Mark Zuckerberg**, an individual;
17 **Christopher Cox**, an individual; **Javier**
Olivan, an individual; **Samuel Lessin**, an
individual; **Michael Vernal**, an individual;
18 **Ilya Sukhar**, an individual; and **Does 1-50**,
inclusive,

19 Defendants.
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Case No. CIV533328

Assigned for all purposes to Hon. V.
Raymond Swope, Dep't 23

DECLARATION OF THEODORE KRAMER

[Signature By Fax]

CIV533328
DECL
Declaration
1766189



RECEIVED

APR 15 2019

SUPERIOR COURT
CIVIL DIVISION

1 I, Theodore Kramer, declare under penalty of perjury as follows.

2 1. My name is Theodore Kramer. I am over the age of 18 and have personal
3 knowledge of the facts set forth herein and I could and would testify to them if called to do so. I
4 make these statements in opposition to Facebook's *ex parte* application of April 11, 2019.

5 2. Apart from my compelled disclosure to the United Kingdom Parliament in late
6 November 2018 under threat of contempt and imprisonment in London, England, I have never
7 "leaked" or otherwise disclosed or facilitated a "leak" or other disclosure of Facebook's
8 confidential or highly confidential information to any third party, including any media or
9 government entity.

10 3. Facebook's repeated accusations before this Court that I have leaked its
11 confidential and highly confidential files to media and government entities, and further that I
12 have done so on multiple occasions, has absolutely no basis in fact. No actual evidence of my
13 involvement in any alleged leak has actually been placed before the Court nor has any been
14 subjected to the requirements of due process, including any actual evidentiary hearing or any
15 other form of cross-examination. Though repeatedly threatening contempt against me
16 personally, Facebook must know that I simply strictly followed the demands that were made
17 upon me by the U.K.'s Parliament while I was in London in late November **and only AFTER**
18 **having counsel provide multiple written notices to Facebook which they did nothing about.**

19 4. Pursuant to an Order of this Court, on December 19, 2018, in the presence of
20 Facebook's forensics firm and more than a half-dozen attorneys involved in this case, I destroyed
21 all materials and communications in my possession that might reflect or contain Facebook's
22 confidential or highly confidential files. I further certified such destruction that same day.

23 5. Because of the newsworthy nature of Facebook's published crimes or frauds,
24 sometime in late January 2019, I was invited to and I had lunch with an NBC reporter who had
25 approached me to write a story about me and this case. About a month later, that NBC reporter's
26 supervisor, an NBC editor, contacted me regarding the same. In late February, I met in person
27 with various staff at NBC regarding their story about me and the case.
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6. During the month of March 2019, I continued to interact regularly with NBC about published facts about Facebook and its various crimes or frauds and including the various other cases filed against Facebook and pending in multiple courts here and abroad. At no time with NBC or otherwise, have I ever communicated any nor has NBC ever communicated to me any Facebook confidential information nor did I have any.

7. During the entire time with NBC, I never had any nor to my knowledge did anyone at 643 have any of Facebook's confidential or highly confidential files. We were stripped of ALL this information by the Court month ago. Thus, it was and is simply not possible for me to transmit them to NBC or to anyone, as Facebook *ex parte* application asserts.

8. Beyond what I have already fully disclosed surrounding the events in the United Kingdom in late November 2018 which is all as set forth in my declarations filed with the Court on November 17, 2018 and on January 24, 2019, and all of which remains true and correct today, there is nothing more that has occurred and Facebook seems to simply want to punish me for complying with the Parliamentary Orders which were served on me and yet they did nothing after notice was sent to them to help me in any respect.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was entered into on April 12, 2019 in San Francisco, California.

T. K.

Theodore Kramer